

BB upward motion comprises front and back hydraulic pistons mounted on said boom, wherein each piston is coupled to a chain which is connected to said beam, through a system of pulleys.

REMARKS

By this amendment, the specification and claim 15 have been amended to correct typographical errors. The drawings have been amended for clarity. Claims 1 and 8 have been amended to more clearly define the invention claimed. Claims 2-7 have been cancelled. No new matter has been added. Claims 1 and 8-16 are now pending in the application.

A. The Amendments To The Specification:

By this amendment, typographical errors at pages 6 and 13 of the specification have been corrected. Additional clarifying language has been added to reflect the separation of Figures 6a and 6f into Figures 6a(1) and 6a(2) and Figures 6f(1) and 6f(2), respectively. No new matter has been added by the amendment.

B. The Amendments To The Claims:

Claims 2 through 7 have been cancelled without prejudice.

Claim 1 has been amended to include the limitations of front and rear transverse girders, front and rear masts with means for reciprocating the masts along the transverse girders, and a longitudinal beam coupled to the front and rear masts with means for reciprocating the longitudinal beam in an up and down motion, with uprights extending from the longitudinal beam with

prongs retractably extending therefrom. The claimed elements are described throughout the specification, and particularly at pages 8, line 10 to page 13, line 11, as well as in Figs. 1-6.

Claim 8 has been amended to remove limitations that are now included in claim 1 as amended.

Claim 15 has been amended to correct a typographical error.

C. The Objections to the Specification:

The Office objected to the title as not being descriptive of the invention. The objection is respectfully traversed, in that the device claimed is clearly a fork lift device. It is believed that the title, i.e., "FORK LIFT", is properly descriptive of the claimed invention.

The Office objected to various typographical errors in the specification, namely at pages 6 and 13. By this amendment, those errors have been corrected.

D. The Objections To The Drawings:

The Office objected to the drawings as failing to include reference numeral 31 (from page 12, line 3). In the attached proposed drawing correction, Fig. 2 has been amended to include reference number 31.

The Office also objected to the drawings as failing to include reference numeral 67 (from page 15, line 11). The objection is respectfully traversed, in that reference numeral 67 is already depicted in Fig. 9c.

The Office objected to Figs. 6a, 6f, 7a, and 8 as improperly including two embodiments in a single figure. By this

amendment, Figs. 6a and 6f have been split into Figs. 6a(1) and 6a(2) and Figs. 6f(1) and 6f(2), respectively. The corresponding descriptive text of the specification has been properly amended to reflect this change.

The Office objected to Figs. 7a and 8 as depicting more than one embodiment of the device. The objection is respectfully traversed. Although the embodiments of Figs. 7a and 8 each depict more than one embodiment of fork-lift prongs combined in a single device, there is no restriction in the application that a single device can never simultaneously use two different types of fork-lift prong, such as the pivotal and retractable prong designs depicted in Figs. 7a and 8. While a preferred embodiment might use a single type of prong, such as a pivoting type of fork-lift prong, there is no restriction in the application that a single device can never use two different types of fork-lift prongs. Furthermore, even if such a restriction were present, it is believed that Figs. 7a and 8 are appropriate in that they clearly depict, in an efficient format, the operational characteristics of various fork-lift prong designs combined with particular lifting/positioning mechanism. It is thus believed that Figs. 7a and 8 are proper in their current condition.

E. The §112 Rejection Of Claim 4:

The Office rejected Claim 4 as being indefinite. By this amendment, claim 4 has been cancelled without prejudice.

F. The §103 Rejections Of The Claims:

The Examiner rejected the claims as being unpatentable over Jinks et al. in view of Sanderson, and (for some of the

claims) further in view of Cradeur et al., Miller, Bliss, and Cusack. By this amendment, claims 2 through 7 have been cancelled without prejudice. Claims 1 and 8 have been amended. It is believed that all the outstanding claims, i.e., claims 1 and 8-16, are now allowable, in view of the amendments to claims 1 and 8 as well as the following remarks.

1. There Is No Teaching Or Suggestion In The Prior Art Of Record For The Proposed Combination Of Jinks et al. With Sanderson

Initially it is observed that there is no teaching or suggestion in the prior art of record toward the proposed combination of Jinks et al. with Sanderson. In particular, the purpose of the slidably retractable prongs of Sanderson is not consistent with the operation of the Jinks et al. device.

As described in Sanderson, the purpose of the slidably retractable prongs is not to permit loading from either side. Instead, the slidably retractable prongs permit smooth withdrawal of the forks without necessitating "simultaneous retraction and pivoting of the boom", which can be difficult without disturbing the load. Sanderson, col. 1, lines 26-28. As depicted in FIGS. 1 and 2, the prongs 16, when slidably retracted (FIG. 2), cannot serve to lift cargo because the boom 12 is in the way.

2. The Proposed Combination Of Jinks et al. With Sanderson Fails To Include Claimed Elements Of The Invention Of The Claims At Issue

Even if one were to take the inventive step of combining the slidably retractable prongs of Sanderson with Jinks

et al., as suggested by the Office, the resulting combination fails to include critical elements of the claims. For example, claim 1, from which all the other claims depend, includes the limitation of front and rear transverse girders secured to the vehicle, with front and rear masts that reciprocate along the transverse girders. In contrast, Jinks et al. clearly recites that, if reversible prongs are used (as depicted in FIGS. 11-13 of Jinks et al.), such prongs must be mounted on a "mast similar to that shown in FIGS. 1 and 2 but fixed to the carriage 13 and having its general plane extending lengthwise of the truck." Jinks et al., col. 8, lines 37-40. See also FIGS. 11-13 of Jinks et al. This is in direct contrast to the requirements of claim 1.

Cradeur et al., Miller, Bliss, and Cusack also fail to include the claimed combination of elements of claim 1. In that the prior art of record fails to teach the claimed combination of elements, claim 1 and its dependent claims 8-16 are allowable over the prior art of record.

G. The Newly-Submitted Art:

Accompanying this amendment is an Information Disclosure Statement citing various new references, including copies of those references. None of these new references teaches or suggests the claimed invention, and none are more relevant than the previously-cited prior art. The specifications of some of the references are in a foreign language, namely French. The inventions described therein, however, are shown in great detail in the drawings, so that detailed translations of those references are not believed necessary.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims, i.e., claims 1 and 8-16, are allowable, and allowance is respectfully requested. To expedite prosecution, it is respectfully requested that the Examiner contact the undersigned via telephone should there be any minor matters that can be resolved thereby.

Respectfully submitted,
FULWIDER PATTON LEE & UTECHT, LLP

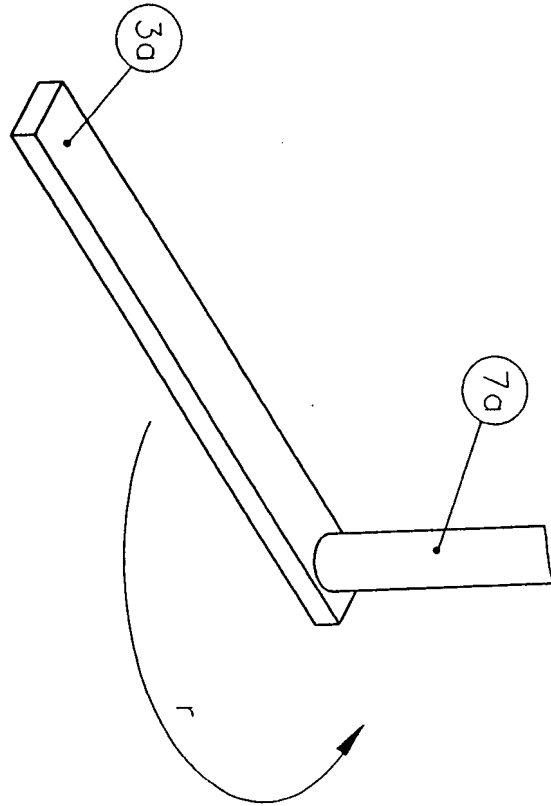
A handwritten signature in cursive script, reading "Richard B. Cates", is written over a horizontal line.

Richard B. Cates
Registration No. 36,100
Attorneys for Applicant

RBC:lw

FULWIDER PATTON LEE & UTECHT, LLP
10877 Wilshire Boulevard, 10th Floor
Los Angeles, California 90024
Tele: (310) 824-5555
FAX: (310) 824-9696





~~(Amended) Fig. 6A~~

